IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.233 OF 2007
WITH
CIVIL APPLICATION NO.2 OF 2007
IN
SECOND APPEAL NO.233 OF 2007

Smt.Subhadra Shankar
Mane & Ors. .. Appellants.
Vs.
Smt.Hirabai Shankar
Sapkal & Ors. .. Respondents.

Mr.M.N.Dhamal for the appellants/applicants.
Ms.Smita Mane for Mr.P.B.Shah for the respondents.

CORAM : D.B.BHOSALE, JJ.
DATED : 29TH AUGUST, 2007.

P.C.:

. Heard learned counsel for the parties.

2. This second appeal is filed by the original defendants. They have challenged the judgments of the courts below by which a suit filed by the respondent-plaintiff stands decreed. The suit was filed for partition and separate possession of 1/4th share in the suit property. The trial Court decreed the suit and held that the plaintiff is entitled for 1/5th share in the suit property. The decree was not challenged by the appellants-defendants. However, the plaintiff carried it in appeal and in the appeal, the share was modified and she was allotted 1/4th share by the appellate court. The defendants for the

first time have challenged the modification of the decree before the appellate court. I do not find any error in determining the share of the plaintiff. The learned advocate for the appellants also could not and did not point out the error in determining the share of the appellants. The findings are entirely based on the material on record. No substantial question of law is either involved or raised in the instant appeal. Hence the second appeal is dismissed. Consequently, the civil application is also disposed of.

(D.B.BHOSALE, J.)